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NASA Procedural Requirements

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Request Notification of Change (NASA Only)

Subject: Reasonable Accommodations Procedures**Responsible Office: Office of Diversity and Equal Opportunity**[| TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) | [Chapter6](#) | [AppendixA](#) | [AppendixB](#) |
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Chapter 3. The Reasonable Accommodations Process

3.1 Initiating the Request

3.1.1 Employees may request a reasonable accommodation from their immediate supervisor or the Center DPM.

3.1.2 A job applicant may request a reasonable accommodation from the appropriate HRS.

3.1.3 The request may be made orally or in writing. A request for reasonable accommodation does not have to contain any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." A supervisor, manager, or the DPM should ask individuals whether they are requesting a reasonable accommodation if the nature of the initial communication is unclear but the employee links the request or need for an accommodation to a medical condition.

3.1.4 An individual with a disability may request a reasonable accommodation at any time, even if the existence of a disability has not been previously disclosed.

3.1.5 A family member, friend, health professional, or other representative may also request a reasonable accommodation on behalf of a NASA employee or applicant, subject to verification by the employee, when able. The request shall be submitted to the employee's supervisor or DPM.

3.1.6 Employees are not required to initiate the request in writing. However, it is the Agency's preference that employees submit NF1699 whenever possible. (See Sec. 2.1.1 and Appendix F.)

3.1.7 If an employee or job applicant does not make the request on NF 1699, the immediate supervisor, HRS, or DPM, shall transfer the information to NF 1699 as soon as possible but no later than five calendar days from the date the request is received and request that the employee promptly review the completed form and sign it, acknowledging that it accurately represents the employee's request.

3.1.8 For reasonable accommodations needed on a repeated basis (e.g., the assistance of sign language interpreters or readers), the NF 1699 should only be completed for the initial request and should clarify that the accommodation is needed on a continuing basis.

3.2 Processing the Request

3.2.1 Timeframes. NASA shall process requests for reasonable accommodation and provide reasonable accommodations as expeditiously as possible.

3.2.1.1 NASA's goal is that these requests be processed and, if granted, provided within 30 calendar days. However, the Agency recognizes that requests that need medical documentation or involve other extenuating circumstances will take longer (see Appendix C, Section C.3)

3.2.1.2 If extenuating circumstances exist, every effort should be made to ensure prompt processing, such that processing time does not extend beyond 60 calendar days. In such cases, the Center DPM should inform the

Agency DPM of the delay for tracking purposes. (See Appendix C, Section C.3.)

3.2.2 The Interactive Process. The supervisor and the employee requesting the accommodation, as well as the Center DPM, as needed, shall engage in an interactive discussion, or process, to determine what, if any, accommodation should or can be provided. This happens after the receipt by the DPM of any requested medical documentation. This means that the individual requesting the accommodation and the supervisor will communicate, preferably by discussing the request, the potential accommodations, and how the requested accommodation will enable the requester to perform the essential functions of the job. (See also Section 3.2.4.)

3.2.3 Initial Supervisory Steps

3.2.3.1 Within two calendar days of receipt of the request, the supervisor shall acknowledge the request in writing and respond to the requestor by explaining that he or she will be the deciding official on the request.

3.2.3.2 Within five calendar days of receipt of the request, the supervisor shall complete an NF 1699 that will be provided to the requestor for signature if the request is made in an alternate format. (See Section 3.1.7.)

3.2.3.3 Within five calendar days of receipt of the request, the supervisor shall have an initial discussion with the employee and/or their representative to discuss the processing of the request, and the DPM will notify the employee of medical or supporting needed in order to process the request.

3.2.4 Communication as Priority. Communication is essential throughout the entire process. This means that the applicant or employee requesting the accommodation should also participate, to the extent possible, in helping to identify effective accommodations that are related to the interview and/or the essential functions of the job. Resources available to help both the deciding official and the individual requesting the accommodation are listed in Appendix E. As part of the interactive process, the supervisor (or HRS) and the employee (or applicant) requesting the reasonable accommodation shall communicate to ensure a full exchange of relevant information.

3.2.5 Third Party Requests. Prior to proceeding, the supervisor should, if practicable, confirm that the individual with the disability does, in fact, want a reasonable accommodation. For example, it may not be practicable to confirm the request if the individual has been hospitalized with an acute condition. ¹⁴ In this situation, the supervisor will process the third party's request to the extent possible and consult directly with the individual needing the accommodation as soon as it is practicable.

3.2.6 Case-by-Case Basis. Every reasonable accommodation is provided on a case-by-case basis. Where the disability, the need for accommodation, and the type of accommodation to be provided are clear, extensive discussions may not be necessary. The accommodation that suits one individual may be unsuitable for another individual with the same disability.

3.2.7 Cases in which Medical Documentation is Needed. In more complex cases, such as those cases in which a disability and/or the need for reasonable accommodation are not obvious or otherwise known to the supervisor, the supervisor should seek additional information or clarification from the individual requesting the accommodation, as well as the aforementioned Reasonable Accommodations Team. (See Section 3.3.)

3.2.7.1 Such cases may be ones in which the specific limitations, problems, or barriers are unclear; where there is more than one disability; where an effective accommodation is not obvious; or where the parties are identifying different possible reasonable accommodations.

3.2.7.2 In such cases, the supervisor, through the DPM, may require relevant medical documentation from the individual regarding the disability and any functional limitations which are related to the essential functions of the job. (See Section 3.3.)

3.2.7.3 The 30 calendar day time requirement for processing requests for reasonable accommodations will be on hold until adequate medical documentation is received.

3.2.8 Expedited Processing. In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a timeframe that is shorter than 30 calendar days. (See Appendix A, "Expedited Processing" definition.)

3.2.9 Temporary Measures. If there is a delay in providing a reasonable accommodation which has been approved, the supervisor shall determine whether temporary measures can be taken to assist the employee. (See Section 3.2.1.2 and Appendix C, Section C.4.)

3.2.10 Non-Responsiveness

3.2.10.1 To the extent that the Agency fails to respond at all to a request for reasonable accommodation within the prescribed timeframes (see Section 3.2.1), this may constitute a "denial" of reasonable accommodation. In such cases, employees may appeal this "denial" to their second-level supervisor. (See Section 3.6, regarding appeals of denials of reasonable accommodation.)

¹⁴ The employee should still be able to perform the essential functions of the job. 29 CFR § 1630.2(n).

3.2.10.2 To the extent that an employee who has requested a reasonable accommodation becomes non-responsive during the process, that is, does not respond to requests for requested documentation after repeated attempts or otherwise fails to continue the interactive discussion, absent extenuating circumstances, the Center DPM should make reasonable efforts to contact the employee and determine the reasons for the employee's non-responsiveness (see Section C.3.). If the employee remains non-responsive 60 calendar days after the original request, the supervisor shall administratively close the case by completing the NF 1699A, filling in the item pertaining to the reasons for the closure, and providing a copy of the NF 1699A to the employee. ¹⁵

¹⁵ If the request is administratively closed for non-responsiveness, the non-responsive employee is not subsequently precluded from making a new reasonable accommodation request.

3.2.11 Confidentiality. The supervisor or any other NASA official who receives information in connection with a request for reasonable accommodation may share information connected with that request with only those Agency officials with a need to know the information. The supervisor should notify the Center DPM to obtain guidance to ensure that the proper confidentiality procedures have been followed. (See also Section 3.3.4.)

3.3 Processing Where Medical Information Is Required

3.3.1 Requesting and Obtaining Medical Information

3.3.1.1 The supervisor, in consultation with the Reasonable Accommodations Team, as appropriate, may determine that it is necessary to obtain medical information for the Agency to determine whether the requesting individual has a disability and/or to identify the requesting individual's functional limitations, consistent with rules of construction set forth under 42 U.S.C. § 12101 et seq. and 29 CFR Part 1630. (See Appendix A, "Reasonable Accommodation Team" and "Substantially Limits" definitions.)

3.3.1.2 In cases where medical documentation is necessary, the DPM shall:

- a. Make such request in writing to the requesting individual as soon as possible after receipt of the request for reasonable accommodation.
- b. The written request should describe the nature of the job and the essential functions the individual is expected to perform. It should also include a copy of the individual's position description, any other relevant information about his job duties, and a limited medical release. (See Sections 3.3.1.4(b), C.5.)
- c. The types of medical documentation that may be requested in connection with a request for reasonable accommodation include:
 - (1) The diagnosis;
 - (2) The nature of the limitations imposed by the individual's impairment, for example, the condition, manner, duration, or severity of the individual's impairment; ¹⁶

¹⁶ See 29 CFR § 1630.2(j)(4)(ii), stating: "Consideration of facts such as condition, manner, or duration may include, among other things, consideration of the difficulty, effort, or time required to perform a major life activity; pain experienced when performing a major life activity; the length of time a major life activity can be performed; and/or the way an impairment affects the operation of a major bodily function."

- (3) The activity or activities limited by the impairment; and
- (4) The reason(s) supporting the request for reasonable accommodation or the particular reasonable accommodation requested, specifically, how the reasonable accommodation would assist the individual in the position, or position applied for, to perform the essential functions of the job, or to enjoy a benefit of the workplace. ¹⁷

¹⁷ See EEOC Policy Guidance on Executive Order 13164, Questions 17-18.

d. Explain to the individual requesting the reasonable accommodation that the failure to timely provide medical information or documentation or to cooperate with NASA's efforts to obtain such documentation may result in a delay in processing the request for reasonable accommodation and ultimately may result in a denial of the requested reasonable accommodation.

e. Ensure consistency with requirements under the Genetic Information Nondiscrimination Act (GINA) of 2008, 42 U.S.C. § 3000ff et seq., such that all requests for medical information warn the employee and/or health care provider from whom the information is requested not to provide genetic information including family medical history. ¹⁸ (See Section C.6.)

¹⁸ 29 CFR § 1635.8(b)(1)(i)(A)-(D).

f. Ensure that the individual knows all records pertaining to the request for reasonable accommodation are protected by the Privacy Act. (See Section 3.3.3.4.)

3.3.1.3 The DPM shall safeguard the medical documentation and forward the medical documentation to the NASA physician responsible for review. (See Section 3.3.3.)

3.3.1.4 If the medical documentation provided by the individual is insufficient, as determined by the NASA physician, to allow the supervisor (upon appropriate consultation) to make an informed decision about whether to grant or deny the request, the supervisor may ask, through the DPM, for supplemental documentation. The following applies to requests for supplemental documentation:

a. The DPM shall request this information in writing, explaining to the individual seeking the reasonable accommodation, in specific terms, why the information which has been provided is insufficient or incomplete, what additional information is needed, and why it is necessary for a determination on the reasonable accommodation request.

b. The DPM may ask the individual to sign a limited release authorizing a NASA physician to contact her or his health care provider directly and/or submit a list of specific questions to the individual's health care professional if not already done so at the initial request.

c. If the medical documentation provided by the requester does not result in sufficient information, NASA may require the requester to go to a health care provider of NASA's choice at NASA's expense. ¹⁹ Consideration should be given to providing the employee interim or partial reasonable accommodations during the time the additional documentation is being obtained.

¹⁹ See EEOC: Practical Advice, "Drafting Tips: Address how and when to obtain review by the agency's own medical expert." 17-18.

d. The DPM may consult with HR or other members of the Reasonable Accommodations Team, as appropriate.

3.3.2 Timeframes Related to Medical Information

3.3.2.1 If there is a request for medical documentation, the time period for making the decision on whether to grant or deny the request will be suspended until sufficient documentation is received. Supervisors shall document this fact on NF 1699A.

3.3.2.2 After the DPM receives the medical information provided by the employee or him or her physician, the NASA physician shall promptly review and evaluate the medical documentation. Once the review is completed, the physician should notify the DPM as soon as possible.

3.3.2.3 The time period for processing the reasonable accommodation request will resume as soon as the DPM notifies the supervisor that the documentation is sufficient.

3.3.2.4 The supervisor shall make a determination on the request for reasonable accommodation in writing as soon as possible, but not later than 30 calendar days or 60 calendar days (in extenuating circumstances). This does not include any time on hold due to the request and review of medical documentation.

3.3.3 Evaluating Medical Documentation

3.3.3.1 Once the requisite medical documentation is received by the DPM, a NASA physician shall evaluate it.

3.3.3.2 The evaluation will be conducted at NASA's expense.

3.3.3.3 The NASA physician shall review the medical documentation to:

a. Determine if it is sufficient for the Agency to decide whether the individual has a disabling medical condition; and

b. Provide detailed information on the employee's medical limitations to assist the supervisor in identifying what types of accommodation(s) would be reasonable and effective.

3.3.3.4 In general, it is not necessary for the physician to inform the supervisor of the specific medical condition, including diagnosis, but supervisors do need to know the individual's functional limitations. Medical diagnoses are considered private and confidential and will be disclosed to the supervisor only with the employee's approval.

3.3.3.5 NASA physicians should make the assessment of whether sufficient medical documentation has been provided.

3.3.4 Confidentiality of Medical Information

3.3.4.1 All medical information obtained in connection with the reasonable accommodation process will be kept

confidential and only shared on a need-to-know basis.

a. Accordingly, all medical information, including information about functional limitations that NASA obtains in connection with a request for reasonable accommodation, will be securely kept in files separate from the individual's personnel file.

b. All appropriate steps should be taken to ensure consistency in accordance with requirements under 42 U.S.C. § 2000ff et seq. and 29 CFR Part 1635. (See Appendix C, Sections C.5.3 and C.8.)

c. Any authorized NASA employee who obtains or receives such information is subject to the restrictions and requirements under 5 U.S.C. § 552a.

3.3.4.2 Individuals and organizations to which information may be disclosed can include, but are not limited to:

a. Supervisors and managers who need to know about necessary restrictions on the work or duties of the employee's position or the position for which the applicant has applied, and about the reasonable accommodation(s).

b. Emergency Preparedness, First Aid and Occupational Health and Safety personnel, if the disability may require emergency treatment or assistance with building evacuation during emergencies.

c. Federal Government officials who need the information to determine the Agency's compliance with applicable law.

d. NASA contractors with a need to know, such as physicians working under contract for the Agency who are not Agency officials.

3.3.4.3 Whenever medical information is disclosed, the individual disclosing the information shall inform the recipients of the information that they are strictly bound by the requirements of 5 U.S.C. § 552a.

3.3.4.4 All documents protected under 5 U.S.C. § 552a will have a NF 1534, Privacy Act Cover Sheet, and contain the statement, "Privacy Act Warning Document" on the top of the document or outside the document package.

3.3.4.5 All electronic transmissions regarding a reasonable accommodation request will be encrypted, in conformance with NASA policy.

3.4 Granting the Reasonable Accommodation Request

3.4.1 Upon determining that a reasonable accommodation will be provided, the supervisor shall immediately communicate the decision orally, and subsequently in writing, using NF 1699A (see Appendix F), to the individual with a disability within five calendar days of approval.

3.4.2 Where the supervisor does not grant a specific requested reasonable accommodation, but offers to make a different one in its place, the NF 1699A will contain an explanation of both the reasons for not granting the specific reasonable accommodation requested and the reasons that the supervisor believes that the chosen reasonable accommodation is an effective alternative.

3.4.3 Funding to support the provision of reasonable accommodation is a Center/Installation determination, made consistent with requirements in this NPR.

3.4.4 Reasonable accommodations that can be requested include, but are not limited to, the following:

a. Making existing facilities accessible.

b. Restructuring the job. ²⁰

c. Utilizing part-time or modified work schedules.

d. Adjusting or modifying tests, training materials, or policies.

e. Providing qualified readers and interpreters.

f. Acquiring or modifying equipment, technology, or furniture.

g. As a last resort, reassigning an individual to a vacant position for which the employee is qualified.

²⁰ NASA is under no obligation to eliminate essential job functions of an employee's position or provide the employee with a new supervisor.

3.4.5 Reassignments. A reassignment will only be considered if no reasonable accommodations are effective to enable the employee to perform the essential functions of the current job, or if the only effective reasonable accommodation would cause undue hardship to the Agency, as determined by management.

3.4.5.1 If an alternative reasonable accommodation is not available, NASA shall attempt to reassign the employee to

a vacant position for which the employee is qualified, and the reassignment would not cause an undue hardship. Consideration of a reassignment is only available to current NASA employees.

3.4.5.2 A reassignment can be granted as a reasonable accommodation to a qualified probationary and career employee and may be made to a vacant position outside the employee's commuting area if the employee is willing to relocate.

3.4.5.3 It is within the Agency's discretion to pay for the employee's relocation costs if the position is outside the commuting area.

3.4.5.4 A qualified employee with a disability requesting reasonable accommodation may be offered a reassignment as a reasonable accommodation to a position for which a vacancy announcement has been published, as long as a selection to fill the position has not been made.

3.4.5.5 In considering whether there are positions available for reassignment, the supervisor shall coordinate with the Headquarters or Center Office of Human Capital Management (OHCM) or HR, and the individual requesting the reasonable accommodation to identify:

- a. All vacant positions within the Center (and, if the employee wishes, Agency wide) for which the employee is qualified, with or without reasonable accommodation; and
- b. All positions that OHCM has reason to believe will become vacant over the next 90 calendar days and for which the employee is qualified.

3.4.5.6 The supervisor and Center or HQ OHCM shall initially focus on positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors.

3.4.5.7 If there is no vacant equivalent position, the supervisor and Center or HQ OHCM shall consider vacant lower-level positions for which the individual is qualified.

3.5. Denying the Request for Reasonable Accommodation

3.5.1 Reasons for the denial of a request for reasonable accommodation may include, but are not limited to, the following:

- a. It is determined, based on the interactive process and in consultation with relevant subject matter experts, for example, the Reasonable Accommodations Team, the requested reasonable accommodation would not be reasonable and/or effective. ²¹
- b. Providing the requested accommodation would result in undue hardship to the Agency.
- c. Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.
- d. The requested accommodation would require the elimination of an essential function of the position.
- e. The requested accommodation would require the lowering of a performance standard (e.g., safety, quality, reliability, etc.).
- f. The requested accommodation would pose a direct threat to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation (see also Appendix A, "Direct Threat" definition).

²¹ EEOC Policy Guidance on Executive Order 13164, Section B (Processing Requests for Reasonable Accommodation), Questions 10-11.

3.5.2 Before denying the request, the supervisor shall confer with appropriate subject matter experts to determine whether other effective reasonable accommodations exist which would not impose an undue hardship and, therefore, can be provided.

3.5.3 When evaluating budgetary or administrative concerns to determine if undue hardship exists, NASA shall follow the regulatory standards in 29 CFR § 1630.2(p)(2).

3.5.4 If the supervisor denies the reasonable accommodation request, he or she will promptly communicate this decision to the requester and complete NF 1699A. The supervisor shall also provide a copy of the written denial to the individual who made the request and to the DPM.

- a. In cases where an alternate format is appropriate, the information in NF 1699A will be provided in the relevant format.
- b. The explanation for the denial will be written in plain language, clearly stating the specific reasons for the denial, for example, why the reasonable accommodation would not be effective or why it would result in undue hardship.

3.5.5 Notification of Denial

3.5.5.1 With notification of denial, the supervisor shall inform individuals of their right to:

- a. Engage in informal dispute resolution, including the right to request for reconsideration and appeal to the next-level supervisor (see Section 3.6); and
- b. Contact the EEO Office at the respective NASA Center within 45 days of receipt of the written notice of denial, in accordance with 29 CFR § 1614.105(a)(1).

3.5.5.2 If an employee elects to seek reconsideration and appeal of the denial, the 45-day time period to contact the EEO Office is suspended until the final disposition of the request.

3.6 Reconsiderations and Appeals

3.6.1 Within 10 calendar days, individuals may request reconsideration of a denial of reasonable accommodation to their first-level supervisor. Additional information may be presented to support this request.

3.6.2 The first-level supervisor shall make a determination on the request for reconsideration and notify the employee in writing within 10 calendar days of receiving the request, absent extenuating circumstances. (See Appendix A, "Extenuating Circumstances" definition; see also Section C.3.)

3.6.3 If the request for reconsideration is denied, employees may appeal the denial within 10 calendar days of receipt of denial to their second-level supervisor. Additional information may be provided to the second-level supervisor in support of the appeal.

3.6.4 The second-level supervisor shall make a determination on the appeal and notify the employee in writing within 10 calendar days of receiving the request, absent extenuating circumstances.

3.6.5 Individuals have the right to contact an EEO Counselor at any stage of the process. With regard to timeliness, an individual must contact the respective NASA Center EEO Office within 45 days of receipt of written notice of a decision, in accordance with 29 CFR § 1614.105(a)(1). ²²

²² See also Section 3.2.10(a) for situations in which a supervisor is non-responsive.

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